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10/766,660

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Jason Carnahan

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EXAMINER

MARTINEZ, DAVID E

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,660

Applicant(s)

CARNAHAN ET AL.

Examiner

David E. Martinez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

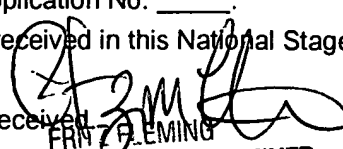
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


FRANK FLEMING
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100
11/30/2006

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 4 and 27 are objected to because of the following informalities: The use of the term "PDA" should be spelled out in order to clarify its meaning. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 contains the trademark/trade name "Bluetooth". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a wireless communication protocol and, accordingly, the identification/description is indefinite.

Due to the vagueness and a lack of clear definiteness in the claims, the claims have been treated on their merits as best understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-16, 20, 21, 25-28, and 34-35, are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards).

1. With regards to claim 1, Edwards teaches a connectivity device [fig 1 element 10], comprising:

a processor executing an operating system [fig 1 element 12, paragraph 16];

a first interface responsively coupled to the processor [fig 1 element 12 has a network interface that connects to network element 18 – paragraph 16] and adapted to communicate with a physically remote handheld portable communications device [fig 1 elements 14(1) to 14(n)]; and

a second interface responsive to the processor [fig 1 element 16 has a network interface that connects it to network element 18 – paragraph 18] and adapted to drive a physically remote display as a function of commands received from the physically remote handheld portable communications device [paragraph 22].

2. With regards to claim 4, Edwards teaches the connectivity device as specified in claim 1 wherein the handheld communications device comprises a personal digital assistant (PDA) [fig 1 elements 14(1) to 14(n) – paragraphs 17 and 22].

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3. With regards to claim 5, Edwards teaches the connectivity device as specified in claim 1 wherein the handheld communications device comprises a telephone [paragraph 19].

4. With regards to claim 6, Edwards teaches the connectivity device as specified in claim 1 wherein the first interface is adapted to serially communicate with the handheld communications device [paragraph 20].

5. With regards to claim 7, Edwards teaches the connectivity device as specified in claim 1 wherein the first interface is adapted to wirelessly communicate with the handheld communications device [paragraph 20].

6. With regards to claim 8, Edwards teaches the connectivity device as specified in claim 1 wherein the handheld communications device has a processor, and memory storing data indicative of visual images [paragraph 17], wherein the second interface is adapted to communicate the data to the display device for visually rendering the data [paragraph 22].

7. With regards to claim 9, Edwards teaches the connectivity device as specified in claim 8 wherein the data is indicative of slides and forms a visual presentation [paragraphs 22 and 24].

8. With regards to claim 10, Edwards teaches the connectivity device as specified in claim 9 wherein the data is in a presentation software data format [paragraphs 22 and 24].

9. With regards to claim 11, Edwards teaches the connectivity device as specified in claim 1 further comprising a third interface adapted to receive control data and responsively communicate the control data to the handheld communications device [fig 8 shows a GUI interface and buttons that control the handheld communications device].

10. With regards to claim 12, Edwards teaches the connectivity device as specified in claim 11 wherein the third interface is adapted to receive and communicate the control data from a keyboard [fig 8 shows a GUI interface and buttons (a keypad/keyboard) that control the handheld communications device].

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11. With regards to claim 13, Edwards teaches the connectivity device as specified in claim 12 wherein the third interface is adapted to receive and communicate the control data from a mouse [paragraph 41].

12. With regards to claim 14, Edwards teaches the connectivity device as specified in claim 13 wherein the communication device is adapted to detect and forward the keyboard and mouse control data to the handheld communications device such that it is executable thereby [fig 8 element 14, paragraphs 40-41].

13. With regards to claim 15, Edwards teaches the connectivity device as specified in claim 14 wherein the keyboard control data is translated into keystrokes such that it is executable by the handheld communications device [paragraphs 40-41].

14. With regards to claim 16, Edwards teaches the connectivity device as specified in claim 14 wherein the mouse control data is translated into stylus taps and cursor movements such that it is executable by the handheld communications device [fig 8 element 14 discloses buttons 34 being part of the GUI which is accessible by mouse or by the GUI interface (stylus taps) – paragraphs 40-41].

15. With regards to claim 20, Edwards teaches the connectivity device as specified in claim 8 wherein the first interface is adapted to communicate with the handheld communications device using a Bluetooth protocol [paragraph 20].

16. With regards to claim 21, Edwards teaches the connectivity device as specified in claim 8 wherein the first interface is adapted to communicate with the handheld communications device using a 802.11 protocol [paragraph 20].

17. With regards to claim 25, It is directed to the medium comprised of the instructions implemented by the connectivity device of claim 1 above and thus is rejected under the same rationale.

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18. With regards to claim 26, It is directed to the medium comprised of the instructions implemented by the connectivity device of the combination of claims 12-15 above and thus is rejected under the same rationale.

19. With regards to claim 27, It is directed to the medium comprised of the instructions implemented by the connectivity device of claim 4 above and thus is rejected under the same rationale.

20. With regards to claim 28, It is directed to the medium comprised of the instructions implemented by the connectivity device of as claim 5 above and thus is rejected under the same rationale.

21. With regards to claim 34, It is directed to the medium comprised of the instructions implemented by the connectivity device of claim 14 above and thus is rejected under the same rationale.

22. With regards to claim 35, It is directed to the medium comprised of the instructions implemented by the connectivity device of claim 15 above and thus is rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3, 23, 24, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards). In view of US Patent Application Publication No. US 20040088452 A1 to Scott.

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23. With regards to claim 2, Edwards is silent as to the connectivity device as specified in claim 1 wherein the operating system is configured as a USB host system providing a communication channel to the handheld portable communications device, however, Scott teaches an operating system [fig 2 element 232, figure 6 element 632 paragraphs 38, 59] configured as a USB host system [paragraph 35] providing a communication channel to a handheld portable communications device [figure 2 element 210, figure 6 element 610] for the benefit of using the USB protocol to provide user ease of setup of the communication channel between two elements.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Edwards and Scott to have the operating system be configured as a USB host system providing a communication channel to the handheld portable communications device for the benefit of using the USB protocol to provide user ease of setup of the communication channel between the two elements.

24. With regards to claim 3, the combination of Edwards and Scott teaches the connectivity device as specified in claim 2 wherein the operating system is configured to connect to a highest numbered endpoint via the first interface [when a USB device connects to a host device, it always takes the highest numbered endpoint] for the same reasons as those above under claim 2.

25. With regards to claim 23, Edwards is silent as to the connectivity device as specified in claim 1 wherein the operating system is based on a Linux Kernel, however Scott teaches when communicating with a handheld device, using an operating system that is based on a Linux kernel for the benefit of saving cost by using free open source software [paragraphs 38 and 59].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Edwards and Scott to have the operating system be based on a Linux kernel for the benefit of saving cost by using free open source software.

26. With regards to claim 24, Edwards teaches the connectivity device as specified in claim 23 further comprising RAM memory operatively coupled to the processor [paragraphs 16, 17 and 18. the Server, the PDA and the projector all include RAM memory and a processor].

27. With regards to claim 30, It is directed to the medium comprised of the instructions implemented by the connectivity device of claim 2 above and thus is rejected under the same rationale.

28. With regards to claim 31, It is directed to the medium comprised of the instructions implemented by the connectivity device of claim 3 above and thus is rejected under the same rationale.

Claims 17, 18, and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards). In view of US Patent No. 6,493,745 to Cherian.

29. With regards to claims 17 and 18, Edwards is silent as to the connectivity device as specified in claim 15 and 16, wherein the keystrokes, the stylus taps and cursor movements are inserted into a data queue. However, Cherian teaches storing user inputs (keystrokes, stylus taps and cursor movements) into a data queue for the benefit of holding local items until processed in order to prevent a perception to a user of slow processing or system lockout due to extended delay in processing a local item while the processing of a server-based item takes place [column 1 lines 33-45, line 65 to column 2 line 2].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Edwards and Cherian to have the keystrokes, the stylus taps

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and cursor movements are inserted into a data queue for the benefit of holding local items until processed in order to prevent a perception to a user of slow processing or system lockout due to extended delay in processing a local item while the processing of a server-based item takes place.

30. With regards to claim 36, it is directed to the medium comprised of the instructions implemented by the connectivity device of the combination of claims 17 and 18 above and thus is rejected under the same rationale

Claims 19, 29, 32, 33, 37, and 38-40, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards). In view of US Patent No. 5,736,968 to Tsakiris.

31. With regards to claim 19, Edwards is silent as to the connectivity device as specified in claim 13 wherein the connectivity device has a fourth interface adapted to receive wireless control data from a physically remote control device such that the connectivity device is controllable as a function of the wireless control data, however, Tsakiris teaches having an interface adapted to receive wireless control data from a physically remote control device such that a connectivity device is controllable as a function of the wireless control data for the benefit of adding flexibility and control to a presenter during a presentation by enabling a presenter to perform certain preselected function without standing at a presenting device [abstract, column 1 lines 36-51, column 3 lines 51-65].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Edwards and Tsakiris to have a fourth interface adapted to receive wireless control data from a physically remote control device such that the connectivity device is controllable as a function of the wireless control data for the benefit of adding flexibility

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and control to a presenter during a presentation by enabling a presenter to perform certain preselected function without standing at a presenting device.

32. With regards to claim 29, It is directed to the medium comprised of the instructions implemented by the connectivity device of claim 19 above and thus is rejected under the same rationale.

33. With regards to claim 32, It is directed to the medium comprised of the instructions implemented by the connectivity device of claim 19 above and thus is rejected under the same rationale.

34. With regards to claim 33, It is directed to the medium comprised of the instructions implemented by the connectivity device of claim 19 above and thus is rejected under the same rationale.

35. With regards to claim 37, Edwards teaches a handheld computing device [fig 1 elements 14(1) to 14(n), fig 6 element 14(1)], comprising:

- a display [fig 1 elements 14(1)-14(n) show screens, fig 6 element 30];

- a processor [fig 1 elements 14(1)-14(n) have processors inside] adapted to execute a visual presentation program [paragraph 17, paragraph 22];

Edwards teaches all of the above limitations but is silent as to the processor further being adapted to receive and respond to control data received from a physically remote control device to control the visual presentation program. However, Tsakiris teaches a processor being adapted to receive and respond to control data received from a physically remote control device to control a visual presentation program for the benefit of adding flexibility and control to a presenter during a presentation by enabling a presenter to perform certain preselected function without standing at a presenting device [abstract, column 1 lines 36-51, column 3 lines 51-65].

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Edwards and Tsakiris to have the processor further be adapted to receive and respond to control data received from a physically remote control device to control the visual presentation program for the benefit of adding flexibility and control to a presenter during a presentation by enabling a presenter to perform certain preselected function without standing at a presenting device.

36. With regards to claim 38, It is directed to the handheld computing device of claim 37 having the functional limitation of the combination of claims 15-16 above and thus is rejected under the same rationale.

37. With regards to claim 39, It is directed to the handheld computing device of claim 37 having the functional limitation of claim 15 above and thus is rejected under the same rationale.

38. With regards to claim 40, Edwards teaches a handheld computing device as specified in claim 37 wherein the processor is adapted to run a software presentation [paragraphs 22, 24].

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 20040024809 to Edwards et al. (hereinafter Edwards). In view of US Patent No. 6,671,737 to Snowdon et al. (hereinafter Snowdon).

39. With regards to claim 22, Edwards is silent as to the connectivity device as specified in claim 8 wherein the first interface comprises an infrared transceiver, however, Snowdon teaches a PDA using an infrared transceiver to communicate over a first interface for the benefit of being able to communicate without having to do a physical docking [column 9 lines 52-63].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Edwards and Snowdon to have the first interface comprise an infrared transceiver to be able to communicate with a handheld portable communications device for the benefit of communicating with it without having to do a physical docking.

Response to Arguments

Applicant's arguments filed 9/18/06 have been fully considered but they are not persuasive.

As per Applicant's arguments [remarks page 9, middle paragraph] directed to the "support of each the independent claims of the pending application" being found in US Patent No. 6,715,022 (cited as '022) and US Patent No. 6,594,719 (cited as '719) the examiner respectfully disagrees. As per US Patent No. 6,594,719, the Applicant incorrectly associated US application number 09/559,678 to said Patent number. The US Patent No. 6,594,719 ('719) is currently associated to US application serial no. 09/559,677 which is not a serial number belonging to the Patent Family of the instant application (serial no. 10/766,660), nor does the instant application claim priority to serial 09/559,677. As such, the US Patent No. 6,594,719 relied upon by the applicant fails to support the instant application and its related arguments are moot.

As per Applicant's reliance for support in the US Patent No. 6,715,022 ('022) - (originally filed as serial no. 09/819,054), the examiner respectfully disagrees. Claim 1 of the instant application calls for:

"A connectivity device, comprising:
a processor executing an operating system;
a first interface responsively coupled to the processor and adapted to communicate with a physically remote handheld portable communication device; and
a second interface responsive to the processor and adapted to drive a physically remote display as a function of commands received from the physically remote handheld portable communications device."

In the remarks, page 9, bottom paragraph, Applicant relied on Figure 5 of the '022 patent to support the above limitations as follows:

"A connectivity device ('022 – fig 5 element 130), comprising:
a processor executing an operating system ('022 – fig 5 element 128);
a first interface responsively coupled to the processor ('022 – fig 3 element 90) and adapted to communicate with a physically remote handheld portable communication device

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('022, fig 5 elements 134 and 132, and **'719 reference which is moot as per the explanation above**); and

a second interface responsive to the processor ('022 – fig 5 element 102) and adapted to drive a physically remote display as a function of commands received from the physically remote handheld portable communications device ('022 – fig 5 elements 132 and 134)."

The cited elements of the '022 patent fails to support the instant application for the reasons below:

Claim 1 above calls for the connectivity device being comprised by a processor among other elements. Applicant shows the cited processor outside of the cited connectivity device thus being different and not supported. Also, the recitation of "a physically remote handheld portable communication device ('022, fig 5 elements 134 and 132" fails to support the instant application because the elements cited are neither "remote" nor are they "handheld portable communication devices". They are local devices and are a keyboard and a mouse respectively, and neither one is considered in the art to be "a handheld portable communication device". This interpretation by the Applicant conflicts with the disclosure of the instant application which shows a handheld portable communication device as being considered a PDA or a smartphone [see abstract of the instant application and figure 4]. Furthermore, the recitation "to drive a physically remote display as a function of commands received from the physically remote handheld portable communications device" also fails to support the instant application since a keyboard and a mouse cannot drive a display. Neither a keyboard nor a mouse can run visual application within themselves to drive a display.

The arguments set forth for claim 1 above also applies to claim 25 above and thus it stands rejected for the same reasons.

As per claims 26-36, they depend from claim 25 and thus stand rejected under the same rationale.

As per Applicant's arguments directed to claim 37, claim 37 calls for:

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“A handheld computing device, comprising:
a display;
a processor adapted to execute a visual presentation program;
the processor further being adapted to receive and respond to control data received from
a physically remote control device to control the visual presentation program.”

The cited elements of the '022 patent fails to support the instant application (claim 34)
for the reasons below:

Claim 34 above calls for the processor inside the handheld computing device is adapted to execute a visual presentation program, to which the applicant cites ('022 – col. 8 lines 35-51). The cited column only discloses the internal specifics of the docking station element 130, and what appears to be the most relevant text is “Video adapter card 102 allows a user to operate another monitor”. Nowhere within the cited text is there support for a processor adapted to execute a visual presentation program such as the one of the instant application [instant application, specification page 21 lines 2-15]. The instant application cites “a visual presentation program” as being Powerpoint®, whereas the '022 reference only discloses a user is able to operate a monitor.

For the above reasons, the rejection to the claim 34 stands.

As per claims 38-40 stand rejected for the same reasons as claims 34.

In conclusion the Applicant has failed to support any of the claims based on the cited references and thus the rejections to the claims stand.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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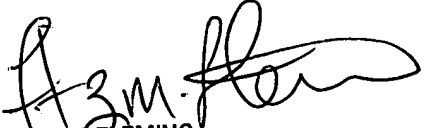
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Martinez whose telephone number is (571) 272-4152. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz M. Fleming can be reached on 571-272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM


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TECHNOLOGY CENTER 2100
11/30/2006